



PUBLIC WORKS DEPARTMENT

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CITY COUNCIL

**ANTHONY CANNELLA, MAYOR
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September 17, 2009

DOCKET

09-AFC-2

DATE	SEP 17 2009
RECD	SEP 23 2009

California Energy Commission
Attn: Eileen Allen,
Manager of Energy Facilities Siting and Compliance Office
1516 Ninth Street
Sacramento, CA 95814-5112

Re: Review of the Almond 2 Power Plant Project (09-AFC-2)

Dear Ms. Allen:

Following is the City of Ceres response to the AFC review your office sent for the Almond 2 Power Plant Project.

1. Aspects of the proposed site and related facilities for which the City has jurisdiction

The City entered into a Water Services agreement with the Turlock Irrigation District (T.I.D.) in 1992. The agreement allowed T.I.D. to pump treated wastewater from the City's plant to the T.I.D. Almond Power Plant where it would receive additional treatment. The reject water (and concentrated minerals) from the T.I.D. treatment process were then returned to the City's plant for disposal. The treated water was converted to steam and used to enhance the power generation process. During this process there was a net reduction of 50% to 60% in the amount of the water pumped from the City's plant that was returned as reject water. This was a clear benefit to the City as well as a free water source to T.I.D.

In 2000 City staff approached T.I.D. with an alternate plan for supplying their source water. Rather than pumping water directly from the City's treatment process, the plan was to drill a well adjacent to the treatment plant percolation ponds, within the T.I.D. easement, and pump groundwater to the Almond Power Generation Plant. The water would receive treatment at the Almond Power Generation Plant and the reject water would be sent back to the City's plant for disposal.

PROOF OF SERVICE (REVISED 9/03/09) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 9/23/09

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This plan does eliminate the need to treat the water for biological content and there was a reduction in the amount of minerals that need to be removed. This has made the treatment process more economical for T.I.D. and by displacing the groundwater adjacent to the treatment plant there is more room for water treated by the City to percolate into the ground, enhancing the City's disposal pond percolation rate.

By pumping the water out of the ground adjacent to the City's Wastewater Reclamation Facility both agencies receive a benefit. T.I.D. benefits by reducing their treatment costs and the City benefits by enhancing the percolation rate of its disposal ponds.

The project site is within the Service Road Industrial Master Plan (SRIMP) and was annexed to the City of Ceres in 1996. The zoning designation for the property is PC-50, Planned Community 50, which is governed by the SRIMP and that master plan designates the site as M-2, General Industrial. The Ceres Municipal Code requires an Architectural and Site Plan Approval (ASPA) prior to the construction of any building or structure so that the site, floor plan and elevations can be approved by the Ceres Planning Commission. Additionally, the M-2 zoning designation indicates that height of structures will be approved by the Planning Commission as no limit is listed in the code. As suggested in the AFC, it appears that the California Energy Commission (CEC) siting process preempts the City of Ceres requirement for the ASPA process. If it were not for the CEC siting process, the City would require Planning Commission approval for this project.

2. Determination of the completeness of the list in the AFC of laws, regulations, ordinances or standards which the City administers or enforces that is applicable to the proposed site.

It appears that the AFC includes the appropriate Laws, Regulations, Ordinances and Standards (LORS) that would be enforced or regulated by the City of Ceres; as such we feel that the AFC is complete in regard to the LORS.

However, we would like to bring up another area that may not address the completeness of the LORS but would need revision to the EIR for accuracy purposes. Figures 5.9-1, 5.9-2C, 5.9-4A indicate sensitive receptors with a vicinity of the project site. The City feels that these exhibits and possibly the associated text are in error as it does not include any schools within the Ceres Unified School District (CUSD). As such, these exhibits need to be revised and analyzed to address potential impacts and possibly provide mitigation for schools within the CUSD. Ceres staff feels there may be as many as 12 CUSD schools within the three mile radius from the project site. The California Energy Commission should verify with the CUSD how many schools are within the three mile radius and provide necessary mitigation if significant impacts are determined.

3. Description of the nature and scope of the requirements which the applicant would need to meet in order to satisfy the requirements of the City.

The City and T.I.D. will need to agree upon an amendment to the current Water Services Agreement. The City and TID are in the process of negotiating such an amendment. It will include a provision stating that TID must be prepared for an alternate form of treatment of the process wastewater or pay for treatment modifications needed at the City of Ceres Wastewater Treatment Plant should future regulations/conditions prevent the City from accepting the TID effluent.

As noted in question 2, the M-2 zoning designation does not have a height limit but rather indicates that height of structure/buildings within this zone will be approved by the Planning Commission. Since the CEC siting process preempts the requirements for Ceres Planning Commission, the City does not have the ability to regulate the height of these structures that burden will fall to the CEC.

Crows Landing Road is designated as an arterial in the Ceres General Plan and has been developed to a right-of-way of 110' in portions north of TID Lateral #2. As such, future roadway improvements along Crows Landing Road may impact the placement of proposed Corridor 2 (115-kV Circuit 2 Line). When future improvements are made to the east side of Crows Landing Road, within the area of Corridor 2 they will be 55' from centerline. Noting this, the City of Ceres recommends that 115-kV line for Corridor 2 be placed a minimum of 70' from centerline on Crows Landing Road so that these lines will not interfere with the ultimate development of Crows Landing Road as an arterial, which is vital for the movement of goods within Stanislaus County. Prior to placement of Corridor 2, the line shall be surveyed to ensure that it is placed outside of the future right-of-way for Crows Landing Road. Alternatively, Corridor 2 could be routed parallel to Corridor 1 or even co-locate the 115-kV line and 69-kV line on the proposed Corridor 1 transmission line. If either of these alternatives were accomplished, there would be no impact with the future development of Crows Landing Road as an arterial.

4. Analysis of whether there is a reasonable likelihood that the proposal will comply with the City's requirements.

The proposal will comply with the City's requirements as the CEC siting process preempts local jurisdiction approval of the project.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Riddell". The signature is fluid and cursive, with the first name "Michael" and last name "Riddell" clearly distinguishable.

Michael Riddell
Wastewater System Supervisor
(209) 538-3269

cc: City Manager
Director of Public Works
Interim Development Services Director
Interim City Planner



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

**APPLICATION FOR CERTIFICATION
FOR THE TID ALMOND 2
POWER PLANT PROJECT**

Docket No. 09-AFC-2

**PROOF OF SERVICE
(Revised 9/3//09)**

APPLICANT

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DECLARATION OF SERVICE

I, Teraja` Golston, declare that on September 17, 2009, I served and filed copies of the attached, City of Ceres – Public Works Department Comments to AFC dated September 17, 2009. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[\[http://www.energy.ca.gov/sitingcases/almond\]](http://www.energy.ca.gov/sitingcases/almond).

The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

 X sent electronically to all email addresses on the Proof of Service list;

 X by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

 X sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

OR

 depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 09-AFC-2
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.

Original Signature in Dockets

Teraja` Golston